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LETTER DATED 21 MAY 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the report of the Secretary-General submitted to the Security Council on 19 April 1993 (S/25620) concerning the status of the implementation of the monitoring and verification of Iraq's compliance with the relevant parts of section C of Security Council resolution 687 (1991).

This report, which was prepared by the United Nations Special Commission (UNSCOM) contains a presentation characterized by inaccuracy regarding Iraq's position.

Furthermore, the report reviews the developments during the past six months of the Special Commission's work in Iraq in a manner that is accusatory and prejudiced and distorts the facts.

In order that the members of the Security Council and, through them the international community, may learn the facts about this matter, I present below the Iraqi side's observations on this report.

I. Iraq's position on future monitoring

Iraq did not reject in principle the future verification and monitoring of compliance referred to in resolution 687 (1991). Iraq expressed its readiness to arrive at a practical solution of the question of Security Council verification of Iraq's capabilities for producing the weapons prohibited under resolution 687 (1991) and to reach agreement on a practical and appropriate mechanism for the question of the equipment coming under the provisions of paragraph 8 of resolution 687 (1991) so as to render it harmless. Iraq affirmed clearly and unambiguously that it was ready to do all that on the basis of respect for its sovereignty and dignity and non-infringement of its national security and provided that the objectives set by the Security Council in resolution 687 (1991) should not be turned into a means of depriving our people and our country of a free and natural life like that enjoyed by all free peoples of the world or a means of depriving it of its natural right to the scientific and technological development necessary to raise the economic, social, cultural and health level of the Iraqi people.

Iraq has submitted a series of initiatives and objective proposals conducive to arrival at a professional, technical and legal settlement of this matter that would achieve the objective of the Security Council, which is to verify the non-production of the weapons prohibited under resolution 687 (1991), not to deprive Iraq of its right to be an industrial country and not to have its industry and advanced industrial assets destroyed.

Iraq has clearly indicated that the current resolutions and plans relating to this mater, which are couched in general language, can be used in either way. Iraq, therefore, calls for the language to be made more specific, in the light of the objective, and for a definition of methods of implementation and the conduct to be observed by the Special Commission and the International Atomic Energy Agency, in the light of the objective also;

II. The Iraqi side's position on the activities of the Special Commission

The report of the Secretary-General is full of allegations that Iraq has attempted to restrict the "rights" of the Special Commission. The report uses these allegations as a pretext to justify the Special Commission in taking an interventionist approach in its work.

The annex to the report recounts a series of alleged events to support its claims concerning the conduct of the Iraqi side. Since some of these allegations are entirely devoid of truth, while others are recounted in an unfair way, we give below our observations on the contents of the paragraphs of the annex to the report:

1. Paragraph 1 of the annex alleges that the Iraq's side's objection to the team headed by Azad Velikov making an inventory of certain items of equipment constitutes interference with the powers of the Special Commission. The truth of the matter is as follows:

When UNSCOM 48 began its work, the team requested an inventory of all machinery and equipment located at the Ibn al-Haytham Centre. The Iraqi side proposed an inventory of the equipment and machinery relevant to the provisions of resolution 687 (1991), leaving aside the equipment and machinery that was of general use, such as ordinary welding tools such as are used in any simple workshop throughout the world, because making an inventory of it would require much time and effort to no purpose. Following consultations between the inspection team and the Iraqi side, the two sides arrived on the same day at a procedure satisfactory to both parties, and the team began its work accordingly.

Should this matter be regarded as proof of Iraq's non-compliance or as proof of its good will and sincere wish to cooperate fruitfully and facilitate the work of the inspection team?

2. Paragraph 2 of the annex refers to Iraq's effort to deny what it calls the "basic aerial rights" of the Special Commission in relation to entry of transport aircraft to Iraq and overflight of sites for aerial surveillance.

The contents of this paragraph are a deliberate attempt to falsify the positions of the Iraqi side. With regard to the first matter, Iraq proposed that the Special Commission should use Iraqi aircraft, instead of hiring foreign

aircraft, for whose cost Iraq was accountable. This request was logical and legitimate and does not detract from the functions of the Special Commission. However, the Commission persisted in not acceding to this request and escalated the situation with the aim of superimposing this issue on the issue of Iraq's resistance to the two no-fly zones imposed by the United States over parts of Iraq. This enabled the United States Government on 17 January 1993 to carry out its attack on civilian locations in Baghdad, including the Al-Rashid Hotel and the Al-Nida' factory.

With regard to the question of overflight of sites by the helicopters of the Special Commission, the Iraqi side did not prohibit the Special Commission from carrying out its flights for purposes of both surveillance and transport in the various regions of Iraq. However, it objected to overflight of Baghdad, because overflight of cities is barred absolutely to all types of civilian and military aviation, as is laid down by aviation laws all over the world and because the Special Commission has numerous alternatives that enable it to dispense with such flights, inasmuch as it is able to carry out on-the-ground inspection of sites without prior notification. Moreover, the Executive Chairman of the Special Commission had already informed the Iraqi side, in his letter dated 25 September 1991, that it was the intention of the Special Commission to use specific air routes in the Baghdad area, to be agreed on with the Iraqi authorities. In another case, during the campaign of UNSCOM 50 and UNSCOM 51 on 22 February 1993, the aerial surveillance team proceeded in the direction of the site to be inspected, and, during the flight, the Iraqi side accompanying the air inspection team believed that the team intended to overfly a prohibited area. He gave them a warning, and, when he realized that the aircraft did not intend to overfly the prohibited area, he gave the authorization to proceed. The process of giving the warning and the authorization to proceed did not take more than 20 minutes. What entitled the Special Commission to regard this matter as proof of non-compliance by the Iraqi side, which acted out of fear for the security and safety of the aircraft and its passengers? Moreover, this incident did not hinder the surveillance team from performing its mission.

3. Paragraph 3 of the annex claims that Iraq hindered access to sites for inspection teams for reasons such as "because inspection would breach the sanctity of universities and would upset the students". The truth as to what occurred regarding this same incident is that UNSCOM 53 suddenly requested on 14 March 1993 to inspect the College of Veterinary Medicine, and the Chief Inspector requested that he and the 21 inspectors should be allowed into the College.

The Iraqi side requested a limitation on the size of the group of team members entering the College, for reasons of university inviolability and on practical grounds relating to the process of organizing the visit, since it was difficult to organize a productive visit with 21 inspectors entering the College during regular class hours and with hundreds of students in the grounds and classrooms.

The head of the team eventually understood the Iraqi's side request, and a group of inspectors were selected for entry into the College, on the understanding that the rest would join them should circumstances so require.

The inspection took place and the team ascertained that their information concerning prohibited activities in the College was unfounded.

Should the Special Commission consider the conduct of the Iraqi side in this matter as evidence of non-compliance or, in fact, a practical arrangement to ensure the success of the team's mission?

4. Paragraph 7 of the annex refers to the fact that Iraq complains about the activities of the U-2 reconnaissance aircraft and calls it "a United States spy plane" and says that it is being "used to assist in the planning of an Israeli operation to assassinate President Saddam Hussein".

Iraq's complaints about the activities of the U-2 aircraft do not come out of thin air. Accordingly, the term "United States spy plane" is no mere allegation. It is, in fact, a United States aircraft piloted by a United States pilot and takes from a United States base in Saudi Arabia. It is designed for espionage, and the Iraqi side has more than once asked the Secretary-General of the United Nations to pledge that the photographs and data collected by this aircraft will remain in the possession of the United Nations. We have so far not obtained such an undertaking.

A study of the routes taken by this aircraft on its flights, which by 7 May 1993 totalled 135, shows that the objectives that this aircraft selects and its flight schedules are dictated solely by the strategic-political requirements of the United States of America and not by the requirements of the work of the Special Commission or the United Nations.

With regard to the question of the use of this spy plane in the planning of an Israeli operation directed against the Iraqi leadership, that is a matter that was discussed in the world press, including the publication Mid-East Mirror on 7 March 1993. The letter 8 March 1993 from the Minister for Foreign Affairs of the Republic of Iraq addressed to the Secretary-General of the United Nations (S/25387) informed the Secretary-General and the Security Council of this grave matter.

5. Paragraph 8 alleges that Iraq is seeking to limit the duration of monitoring and aerial surveillance. The truth about what occurred with regard to this matter is that the head of the aerial surveillance team insisted in a few cases on having his aircraft circle for an extended period at low altitude over certain industrial installations located near population centres. The Iraqi side accompanying the team warned them that if they continued circling without any operational necessity, the resultant noise would affect the people working in the industrial installations and the civilian population in adjacent neighbourhoods, especially the sick and the elderly.

In all these cases, the answer of the head of the aerial surveillance team acceded to this request.

Drawing attention to this matter in this unfair way has no purpose but to distort the picture of the Iraqi side and to incite feelings against Iraq.

6. Paragraph 9 alleges that Iraq has sought to establish that those involved in the chemical destruction group are not permitted to take part in other inspection activities.

Iraq has never ventured such a thing. The truth of the matter is that one member of the chemical destruction team wanted to participate in the work of aerial surveillance, without officially informing the Iraqi counterpart of this, as was the procedure. The Iraqi side notified the Special Commission that the customary procedure required that the Iraqi side be officially notified of the new task entrusted to the inspector. In fact, the Special Commission did this and authorized the inspector to perform his new function.

7. Paragraph 11 alleges that Iraq has sought to establish that it should receive advance notice of the site to be surveyed.

This statement is not at all accurate. The procedure followed is that the head of the aerial surveillance team should, on the night of the flight, notify the Iraqi side of the area in which a site is to be selected for surveillance. This area is usually an extensive one, sometimes comprising thousands of square kilometres. This advance notice is necessary for the purpose of restricting air defence weapons in the area over which the flight is to be made, in order to protect the safety of the aircraft. The coordinates of the site to be placed under surveillance are kept secret by the surveillance team, and the Iraqi side is usually informed of them during the flight towards the site.

Is it reasonable that the Special Commission should make no distinction between specifying the area and specifying the site? Is it right that the Special Commission should create doubts about an Iraqi measure aimed at protecting its aircraft and ensuring the smooth discharge of its functions. Moreover, pilots of the Special Commission's helicopter unit have, on more than one occasion and in more than one letter retained by the Iraqi side, commended the excellent way in which the Iraqi side has cooperated with them; without it they could not have performed their duties with the requisite safety and facility.

8. Paragraph 12 alleges that Iraq refuses to offer information willingly and refuses to supply information at all in areas such as supplier networks and also expresses consternation that the Commission continues to ask questions about Iraq's past programmes.

(a) The first allegation is refuted by the fact that Iraq has provided tons of information, files and documentation, has replied to thousands of questions and has supplied the desired data mentioned in paragraph 4 of the report "as providing a basis on which to build", although many of Iraq's industrial installations and facilities were totally destroyed, with concomitant loss of many of the related documents.

(b) With regard to the second allegation, it is inaccurate, because the Iraqi side asked the Special Commission and the International Atomic Energy Agency to supply a list comprising all the questions on the subject of suppliers for Iraq's consideration.

(c) With regard to the consternation of the Iraqi directors at the repetition of questions, it sometimes happens that a member of an inspection team encounters the director of an installation and begins to question him about matters and demands of him statistics and documents which the director of the installation has already answered or supplied to dozens of earlier inspectors. This may arouse the consternation of some directors, because they find that the process is an unjustified waste of time. In addition, some inspectors resort to putting extremely personal or even insolent questions, like the inspector who asked an Iraqi female researcher "Why aren't you married yet?"

9. Paragraph 13 alleges that Iraq has been unable or unwilling to produce specific items of equipment that the Commission has evidence were supplied to Iraq and that inspection teams continue to find equipment and documents containing information pertinent to their mandate.

What happened is that some of the inspection teams believe that any piece of machinery that they find in a given factory is relevant to their functions under resolution 687 (1991), and they ask the Iraqi side why it was not declared. The Iraqi side supplies evidence and proof that these pieces of machinery are not relevant to the Special Commission's functions, and normally the inspection team in question is satisfied with that interpretation.

10. Paragraph 14 alleges that Iraq has sought to prevent photography over a designated plant. The Iraqi side has stated that the right to take photographs inside Iraqi plants is restricted to the machinery and equipment related to the Special Commission's functions. The Iraqi side requests the inspection teams not to resort to random photography or photography unrelated to the functions of the Special Commission. In most cases, the inspection teams have kept within the limits of their mission in this respect, and, when a difficulty has arisen concerning the photographing of this or that piece of machinery, it has been resolved by mutual understanding between the two sides. However, the Iraqi side has copies of photographs taken by the inspectors of sites, machinery or equipment absolutely unrelated to the Commission's functions that were thrown by them into the waste-paper basket or sold to foreign news agencies for the purpose of trade and personal advertisement.

11. Paragraphs 14 and 15 refer to the occurrence of incidents relating to the property of the Special Commission, such as the smashing of the Commission's car windscreens or the loss of personal equipment belonging to inspectors.

The mention of this matter is an attempt to blow up small cases and fix accusations on the Iraqi side without cogent proof. The smashing of a car windscreen because of a road accident or by some individual is an event that may occur anywhere in the world, and the loss of minor personal equipment from a hotel is something that occurs in every hotel on earth. Moreover, everything that the Special Commission alleges is not true. Once, a member of the Special Commission claimed that he had lost a camera and personal computer, but it emerged subsequently that another member of the Special Commission's staff had taken it with him by mistake to Bahrain.

Notwithstanding these minor incidents, the Iraqi side has provided the best possible protection and security for the Special Commission's inspectors. There are many cases where members of inspection teams lose their personal effects, wallets or cameras and the Iraqi side discovers them and returns them to them.

III. Conclusion

The foregoing review makes it clear that the Special Commission has been accusatory and not objective in its presentation of Iraq's positions and in its review of occurrences during its activities. It would be more suitable for the Special Commission, which is an impartial technical agency of the United Nations to focus in its report on the aspects of the implementation of the requirements of resolution 687 (1991) and on which of these requirements have been met, in a professional manner divorced from political intentions, and that its report should contain the conclusions and solutions proposed for overcoming difficulties, with a view to the scrupulous and objective discharge of its function.

Unfortunately, the political influence and political intentions of certain international parties find their reflection in the Commission's reports and assessments, and this is prejudicial primarily to the credibility of the Commission itself.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative